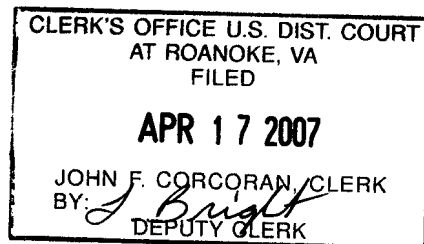


IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION



PETER O. ODIGHIZUWA, # 322270,  
Plaintiff,

v.

OFFICER S. STROUTH, et al.,  
Defendants.

Civil Action No. 7:06cv00720

By: Hon. Michael F. Urbanski  
United States Magistrate Judge

**ORDER**

In accordance with the Memorandum Opinion entered this day, it is hereby


**ADJUDGED AND ORDERED**

that:

1. Plaintiff's Motion to Amend to name Gary Bass as a defendant is hereby **GRANTED**;
2. Defendants Motion for Summary Judgment is hereby **GRANTED in part and DENIED in part**;
3. Plaintiff's claims of excessive force and harassment against Correctional Officer Powers are hereby **DISMISSED** pursuant to 42 U.S.C. § 1997e(a) and 28 U.S.C. § 1915(e)(2)(B)(ii);
4. Plaintiff's claim that he was improperly denied a transfer from Red Onion State Prison against Gary Bass is hereby **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);
5. The Clerk of the Court is hereby **DIRECTED** to terminate defendants Correctional Officer Powers and Gary Bass as defendants in this action; and
6. Defendants are hereby directed to file a dispositive motion on the merits of plaintiff's remaining claim of excessive force against Correctional Officer Strouth within twenty (20) days of the date of entry of this Order.

The Clerk is directed to send certified copies of this Order to plaintiff and to counsel of record for the defendants.

Entered this 17<sup>th</sup> day of April, 2007.

A handwritten signature in black ink, appearing to read 'M. Urbanski', written over a horizontal line.

Michael F. Urbanski  
United States Magistrate Judge